DOCUMENT RESUME

ED 389 119 EC 304 405

TITLE	A Study of Selected State Policies on Upper Age Mandates and Alternatives to a Regular Diploma.
INSTITUTION	National Association of State Directors of Special Education, Alexandria, VA.
SPONS AGENCY	Special Education Programs (ED/OSERS), Washington, DC.
PUB DATE	[91]
NOTE	60p.; Prepared by Project FORUM. Four pages have some text lined through: p17,25,37,57.
AVAILABLE FROM	National Association of State Directors of Special Education, Inc., 1800 Diagonal Road, Suite 320, King Street Station 1, Alexandria, VA 22314 ($5.50).
PUB TYPE	Reports - Evaluative/Feasibility (142)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	*Age; Chronological Age; Compliance (Legal); *Disabilities; Educational Attainment; Educational Certificates; *Educational Policy; *Eligibility; Graduation; Graduation Requirements; Individualized Education Programs; School Districts; School Responsibility; Secondary Education; *State Standards; *Student Certification
IDENTIFIERS	*Aging Out Process

ABSTRACT

This study investigated the upper age educational mandates of 15 states and the policies regarding alternative awards to the regular diploma in 19 states. The study was based on analysis of state policy documents, a 1990 state survey of exiting procedures, and telephone conversations with state education agency officials. The first section addresses the upper age mandates established by the states of Alabama, California, Georgia, Illinois, Iowa, Kansas, Louisiana, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Texas, and Virginia. Three questions were addressed: (1) the upper age limit for service eligibility in the selected states and whether students are allowed to complete the school year during which they reach this age; (2) conditions placed on serving students over the age of 18; and (3) state provisions allowing local education agencies to determine whether students above the age of 18 will be served. The second section presents information on how state policies define "program completion," as well as what types of awards are given to recognize program completion or graduation. The paper concludes that the most common forms of alternative award were certificates of completion or completion of the Individualized Education Program. States were found to vary widely in their interpretation of "certificate of completion." An appendix, which comprises most of the document, provides excerpts from state policies on this issue. Information is provided for Alabama, California, Georgia, Iowa, Kansas, Louisiana, Mississippi, Nebraska, New York, Oklahoma, Texas, and Virginia. (DB)

ED 389 119

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
✓ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

A Study of Selected State Policies on Upper Age Mandates and Alternatives to a Regular Diploma

Upon request of the Florida SEA, Project FORUM at NASDSE investigated the upper age mandates of fifteen States and the policies regarding alternative awards to the regular diploma in an expanded sample of nineteen States. The information for this report was taken primarily from State policy documents on file at NASDSE, considered current as of 1989 or more recently. Additional information was gleened from a State survey on exiting procedures conducted by NASDSE in 1990. Lastly, telephone conversations with SEA officials in a few States were conducted to clarify information, as needed.

The first section of this report addresses the upper age mandate established by the States of Alabama, California, Georgia, Illinois, Iowa, Kansas, Louisiana, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Texas, and Virginia. Three separate questions were explored on this issue:

1. What is the upper age limit for service eligibility in the selected States? Are students allowed to complete the school year during which they reach this age?

2. Are there any conditions placed on serving students over the age of 18?

3. Under what conditions do States allow LEAs to determine whether students above the age of 18 will be served?

The second section of this report provides information on how the written policies of these States define "program completion", as well as what types of awards are given to recognize program completion or graduation. Excerpts from State policy on this issue are arranged alphabetically by State in Appendix A.

Upper Age Mandates

1. *What is the upper age limit for service eligibility in selected States? Are students allowed to complete the school year during which they reach this age?*

Table 1 displays the answers to these two questions by State. The information provided in Column 2 should be interpreted as "through" that age. For example, Alabama policy provides FAPE through the age of 20. For five of the States (i.e., Georgia, Nebraska, Ohio, Oklahoma, Virginia) written policies could not be located in the NASDSE files that definitively answered the second question on the definition of the upper age limit.

EC 304405

BEST COPY AVAILABLE

Table 1

Upper Age Limits and Their Definitions For Selected States

STATE	AGE	DEFINITION OF UPPER AGE LIMIT
Alabama	20	if not 21 by 10/2, continues till 21
California	21	if turns 22, continues through school year
Georgia	21	no definition found
Illinois	20	if turns 21, continues through school year
Iowa	20	21st birthday
Kansas	20	if turns 21, continues through school year
Louisiana	21	if turns 22, continues through school year
Nebraska	20	no definition found
New Mexico	21	if turns 22 after 9/1, continues thru school year
New York	20	if turns 21, continues through school year
North Carolina	20	if turns 21, continues through school year
Ohio	21	no definition found
Oklahoma	21	no definition found
Texas	21	if turns 22 after 9/1, continues thru school year
Virginia	21	no definition found

2. *Are there any conditions placed on serving students over the age of 18?*

Although not always explicit in written policy, in practice, service eligibility typically ends, regardless of age, at the time the child completes his or her program. While there may be exceptions to this policy among the States, NASDSE has never identified any specific examples. Of the States in Table 1, only five have placed conditions, aside from program completion, on serving youth over the age of 18. These conditions are described below. None of the fifteen States use type or severity of disability as a condition for eligibility.

California — All children ages 19-21 if enrolled in or eligible for a program in special education prior to his/her 19th birthday must be served.

Georgia	The Georgia mandate is to serve only to age 18. Georgia states in its 1988-90 Program Plan that in practice, they do not enroll any new students beyond 18, but ongoing program participants may continue till program completion or through the age of 21.
Iowa	All eligible children through age 20 must be served unless accident or illness has caused prolonged delay/interruption in an individual's program, then at SEA discretion, the program may continue for up to three years or until the 24th birthday.
New Mexico	LEAs are required to establish services for eligible children through age 21 or completion of a planned course of study, whichever comes first. LEAs may choose to serve youth older than 21.
North Carolina	All eligible children through age 20 must be served. However, LEAs are permitted to serve children through age 21 and use exceptional children funds for these services.

3. *Under what conditions do States allow LEAs to determine whether students above the age of 18 will be served?*

The written policies of fourteen States in Table 1 (all but Georgia) do not permit LEA discretion in serving youth age 18 through the mandatory age limit (i.e., 20 or 21). Georgia policy states that LEAs may use funds for 19-21 year-olds only after assurances they are providing FAPE to eligible children ages 5-18. In effect, then, policy at the State level dictates the conditions of eligibility for special education and related services for all children with disabilities in these States. However, three States do allow LEA discretion in serving youth older than their mandate:

Iowa	LEAs may request to continue a special education program if accident or illness has caused prolonged delay/interruption in the program. The program may be continued for up to 3 years or until the youth's 24th birthday.
New Mexico	LEAs have discretion to serve youth beyond the age of 21.
North Carolina	LEAs are permitted to serve eligible children through age 21 (rather than 20) using exceptional children funds, if desired.

Summary

There were four States in this sample whose upper age limits for eligibility may have changed since a listing of this information was published in the **Eleventh Annual Report to Congress** (1989).[1] In the present study, Illinois, Kansas, and New York were found to serve children through the age of 20 (as opposed to 21 in the 1989 **Annual Report to Congress**), and Louisiana was found to mandate services through 21 (as opposed to 20). Project FORUM called the three States who had the lowest upper age limits listed in the **Eleventh Annual Report to Congress**. Since 1989, Indiana now mandates services through age 18 (as opposed to 17), Montana and Maine have not changed their upper age requirements (through 18 and through 19, respectively). There were no States in this fifteen-State sample that differentially extended eligibility beyond the age of 18 based upon type of disability. The primary condition for service eligibility beyond age 18 was failure to complete a secondary program. It appears that State level policy, as opposed to local policy, dicates eligibility for services in the majority of States we sampled for this report. However, when Montana was contacted by FORUM to verify their upper age mandate, we were told that LEAs in Montana may choose to serve youth beyond the age of 18 using Part B funds, but that all eligible youth must be served if the LEA chooses to extend the age limit. In addition, three States (i.e., Iowa, New Mexico, and North Carolina) were found to have provisions giving LEAs discretion to serve youths older than the upper age limit.

Alternatives to a Regular Diploma

For the purposes of this study, Project FORUM was able to obtain variable information on program completion requirements for the original sample of 15 States; that is, written policies were available from some, but not all States, as were data from the NASDSE 1990 exiting survey. Consequently, the sample was expanded to 19 States so as to increase the amount of information available for this section of the report. Table 2 indicates which States grant certificates of completion/performance, modified diplomas, completion of IEP, or other. In addition, information is provided as to whether or not LEAs have discretion in granting the various awards permitted by the State. The last column provides information as to whether or not policies on graduation requirements from that State can be found in Appendix A.

It is important to note that Table 2 reflects only the available alternatives to the regular diploma specified by each State. There is no intended implication that these States do or do not offer a regular diploma to students in special education who complete the educational requirements for such an award. Although the NASDSE files do not contain all the applicable documentation, it is our understanding that most States do provide the option of a regular diploma to their students in special education.

---

[1] It is also possible that differing interpretations of policy has caused a State to change in the listing.

Table 2

Selected States' Policies Concerning Regular Diploma Alternatives

State	Certificate of Completion	Completion of IEP	Modified Diploma	Other	LEA Discretion[1]	Policy Appendix A
AL	no	no	no	graduation certificate	no	yes
AR	yes	yes	yes		yes	no
CA	yes	yes	no		yes	yes
GA	yes	yes	yes		no	yes
IL	yes	yes	no		yes	no
IA	yes	yes	yes		yes	yes
KS	no	no	no	regular diploma	no	yes
LA	yes	no	no		yes	yes
MS	yes	no	no		no	yes
NE	yes	yes	yes		yes	yes
NM	yes	yes	no		yes	yes
NY	yes	yes	yes		yes	yes
NC	yes	yes	no		yes	no
OH	no	yes	no		yes	no
OK	no	no	no	regular diploma	no	yes
PA	yes	no	yes		yes	no
SC	yes	yes	no		yes	no
TX	no	yes	no		no	yes
VA	yes	yes	no		yes	yes

[1] A "yes" indicating LEA discretion in availability (Column 6) is only applicable to the awards approved by the State (i.e., those also receiving a "yes" in Columns 2, 3, or 4). For example, California's LEAs may offer either a certificate of completion, completion of IEP, or both, but not a modified diploma.

Summary

Due to the wide variability among States as to what constitutes program completion, the interested reader is urged to refer to the actual policies contained in Appendix A. From an overview of these policies it is clear that many States require a statement of the type of graduation award and the requirements for achieving that award as part of the IEP process. Some States require this information to be part of the IEP as early as the ninth grade.

In our review of the policy documents and survey results the most common forms of alternative award were certificates of completion or completion of the IEP. It should be noted, however, that the term "certificate of completion" was interpreted differently across States. Some States reported it to be synonymous with completing the IEP, others with completing a course of study, and yet others with certificates of attendance. The least common type of graduation award among the 19 States in our sample was the modified diploma. Most of the States in the present study do not allow LEAs to modify the requirements of a high school diploma for any reason. Moreover, Kansas and Oklahoma do not permit any type of alternative diploma, award, or recognition; instead, regular and special education students must receive the same diploma as long as they have met the requirements of their individual programs.

Lastly, the States in our sample tend to allow LEAs to determine which type of award, among those approved by the SEA, will be offered. Whether or not the LEA also can determine the requirements of that award varies greatly among the States.

Appendix A

REGULATIONS AND ACCOMMODATIONS FOR EXCEPTIONAL STUDENTS
BULLETIN NO. 23, 1982 - ALABAMA

BASIC COMPETENCY EDUCATION REGULATIONS FOR EXCEPTIONAL STUDENTS

1. All exceptional students must have the opportunity to participate in the existing Alabama Basic Competency Education (BCE) testing program as well as to earn the necessary Carnegie units to meet high school graduation requirements as listed in the brochure, High School Graduation Requirements.

2. In administering the Basic Competency Tests (BCT) and the Alabama High School Graduation Exam (AHSGE) appropriate accommodations will be made to ensure that each exceptional student receives individual consideration of his or her handicap without changing the nature, content, or integrity of the test.

3. All decisions regarding Basic Competency Tests (BCT) must be made on an individual basis and will be justified and documented in the IEP.

4. If the Individualized Education Program (IEP) committee determines from all available data, including but not limited to assessment data and teacher evaluations, that the education program for the student should not include instruction in the competencies listed in the Minimum Standards and Competencies (Reading, Language, Mathematics) for Alabama Schools, 1982 Edition, then the student should not be required to take the AHSGE. This decision must be reviewed on an annual basis or more often as required, and such exemptions must be documented fully in the student's IEP. Nothing contained herein should be understood as suggesting that a student should not have the opportunity to attempt the test.

5. Exceptional students who participate in the BCE testing program must be given practice in taking tests similar in format and content to the BCT and AHSGE prior to participation in any part of the program.

6. For an exceptional student who will participate in the BCE program, the IEP committee must decide whether any special test accommodations must be made. None or any number of the accommodations listed in the State Department of Education Regulations and Accommodations for Exceptional Students (BCE/Sp. Ed. F_1) may be appropriate; this should be determined on an individual basis by the IEP committee.

7. Exceptional students who do not take or fail to pass the AHSGE must be treated the same as regular students. It will be the responsibility of the LEA to notify students and parents of the consequences of not taking or of failing the test.

8. Exceptional students must have the same opportunity for remediation as regular students. All remediation efforts will be documented in the IEP.

9. Implementation of the administrative requirements of these regulations shall be accomplished according to a schedule adopted and approved by the State Superintendent of Education.

to ride regular school buses eighty percent (80%) of the cost of such transportation, and a proportionate amount shall be allowed for a vehicle used exclusively for the transportation of a smaller number of handicapped students in average daily attendance as prescribed by regulations of the State Board of Education.

One copy of each special transportation contract must be on file with the public education agency and the State Department of Education, Division of Administrative and Financial Services.

10.1.18 Vocational Education Services for Handicapped Students

All secondary handicapped students must have access to appropriate vocational education programs in the same manner as non-handicapped students.

The IEP of each secondary handicapped student must show any vocational education program involvement as well as needed modifications/adaptations made in the program.

Handicapped students shall receive a vocational assessment prior to or as part of the vocational placement progress as prescribed by Alabama Vocational Education Standards for Quality Programs in Secondary Schools. Also the student shall have a Vocational Implementation Plan as he/she enters the vocational program.

10.1.19 Practicum College/University Students in Special Education Programs Within LEAs

College/university practicum students may observe and participate in special education classrooms under the direct supervision of the classroom teacher or specialist with the LEA. Student records or other confidential information may be examined as long as the college/university practicum student follows the same procedures regarding confidentiality of information that the classroom teacher or LEA specialist must follow when reviewing such information. (Refer to Section 8.2 and the Alabama Administrative Code, Chapter 290-030-030-.42(4)(b).

10.1.20 Graduation Diplomas

Each handicapped student must be given the opportunity, consistent with the decision of the IEP Committee, to participate in the public education agency graduation and diploma procedures, which includes the opportunity to earn Carnegie Units. When the IEP Committee determines that a handicapped student cannot pursue the regular State sanctioned diploma program, the public education agency shall provide alternative procedures to recognize handicapped students upon graduation from their special education program.

BEST COPY AVAILABLE

ALABAMA - NASDSE SURVEY 1990

5. a. Can special education students in your State exit through completion of an IEP (distinct from a regular high school diploma, modified diploma, or certificate of completion)?

1) yes (Graduation Certificate) ✓

2) no _____

b. Does this vary by district?

1) yes _____

2) no ✓

3) don't know _____

6. a. Can special education students in your State exit through receipt of a modified high school diploma (distinct from a regular high school diploma, certificate of completion, or IEP completion)?

1) yes (Graduation Certificate) ✓

2) no _____

If special education students may exit through receipt of a modified diploma, please describe the modified graduation requirements or include a description of the requirements when you return your questionnaire.

Alabama grants a Graduation Certificate if the student
(1) sucessfully completes IEP
(2) earns the required number of carnegie units, but does not pass all sections of the Alabama High School Graduation Exam (AHSGE)
(3) passes all sections of AHSGE but does not earn enough Carnegie Units
Alabama recognizes these exit documents: a regular diploma, an advanced diploma and a Graduation Certificate

b. Does the availability of a modified diploma vary by district?

1) yes _____

2) no ✓

3) don't know _____

BEST COPY AVAILABLE

AL

DIFFERENTIAL PROFICIENCY STANDARDS

(Education Code - Part 28)

(As Amended By AB 283 -
Chapter 206, Statutes of 1982)

51215. (a) The governing board of each school district maintaining a junior or senior high school shall, by June 1, 1978, adopt standards of proficiency in basic skills for pupils attending school within its school district.

- Adoption of Standards of Proficiency in Basic Skills

(b) The governing board of each school district maintaining grade 6 or 8, or the equivalent, shall, by June 1, 1979, adopt standards of proficiency in basic skills for pupils attending these grades.

(c) These standards shall include, but need not be limited to, reading comprehension, writing, and computation skills, in the English language, necessary to success in school and life experiences, and shall be such as will enable individual achievement to be ascertained and evaluated.

- Standards Include

The standards shall be directly related to the district's instructional program.

- Related to Instructional Program

(d) Differential standards and assessment procedures which shall include, but need not be limited to, reading comprehension, writing, and computation skills, shall be adopted pursuant to this subdivision.

- Differential Standards and Assessment Procedures

(1) Differential standards and assessment procedures shall be adopted for pupils who:

(A) Are enrolled in special education programs pursuant to Part 30 (commencing with Section 56000); or for whom individualized education programs have been developed, and for whom the regular instructional program has been modified, as necessary, under the supervision of a person who holds an appropriate credential in special education; and

- For Special Education Pupils

(B) Have diagnosed learning handicaps or disabilities such that the individualized education program team determines they have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support.

- Diagnosed Learning Disabilities

(2) If the team determines that these pupils have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support, the team shall develop differential proficiency standards, or modify general differential standards adopted by the governing board, appropriate to the needs and potential of the pupil.

- IEP Determination

(3) Any differential standards shall be included in the individualized education program developed for the pupil pursuant to Part 30 (commencing with Section 56000).

- Differential Standards Included in IEP

(4) The determination and the development of differential proficiency standards shall be part of the process of developing, reviewing, and revising a pupil's individualized education program.

- Part of Ongoing Process

(5) In the case where one or more differential standards are developed for a pupil enrolled in special education, the standards may be maintained throughout the pupil's school experience, irrespective of whether the pupil continues to be enrolled in special education.

- May Be Maintained Throughout School Experience

(6) Nothing in this subdivision shall be construed to require differential proficiency standards for a pupil who a team determines can attain the district's regular proficiency standards with appropriate educational services and support.

- Not Required for Pupil Who Can Attain Regular Proficiency

(7) The provisions of this subdivision shall apply prospectively and retroactively to pupils enrolled in the 9th grade, or the equivalent thereof, during the 1977-78 school year or any school year thereafter.

- Application of Provisions

(8) Differential standards and assessment procedures adopted pursuant to this subdivision shall permit the pupil for whom they are adopted to attain the standards within a reasonable amount of time but not after the state is no longer required by state or federal law to provide an education to the pupil.

- Attain Standards Within Reasonable Amount of Time

(9) It is the intent of the Legislature that the attainment of a standard of proficiency by a pupil shall also reflect the attainment of a reasonable level of competence. The Legislature, therefore, recognizes that there may be some pupils who cannot meet regular or differential standards of proficiency, in reading, writing, and mathematics skills, and others who will need to remain in school beyond grade 12 or the equivalent in order to meet a standard which reflects their maximum potential.

- Reflect Reasonable Level of Competence

(10) For students with diagnosed learning disabilities, as well as for students participating in the regular school program, proficiency assessments may be part of the classroom experience, and teaching materials may be used as assessment materials.

- May Be Part of Classroom Experience

(e) Governing boards maintaining elementary or junior high schools located within a school district maintaining a high school shall adopt standards of proficiency in basic skills which are

- Articulation of Standards

articulated with those standards adopted by the school district maintaining the high school.

(f) Designated employees of all school districts located within a high school district and one or more designees of the high school district shall meet prior to June 1, 1979, to plan for articulation of elementary and high school proficiency standards, and as necessary thereafter to review the effectiveness of such articulation procedures.

- Plan for Articulation of Standards

(g) Standards of proficiency shall be adopted by the governing board with the active involvement of parents broadly reflective of the socioeconomic composition of the district, administrators, teachers, counselors, and, with respect to standards in secondary schools, pupils.

- Active Involvement of Parents, Professionals, Pupils

WITHHOLDING OF DIPLOMA OF GRADUATION

(Education Code - Part 28)

(AB 3369 - Chapter 1333, Statutes of 1980)

51412. No diploma, certificate or other document, except transcripts and letters of recommendation, shall be conferred on a pupil as evidence of completion of a prescribed course of study or training, or of satisfactory attendance, unless such pupil has met the standards of proficiency in basic skills prescribed by the governing board of the high school district, or equivalent thereof, pursuant to Article 2.5 (commencing with Section 51215) of Chapter 2.

- Standards of Proficiency in Basic Skills

EARLY INTERVENTION FOR SCHOOL SUCCESS

(Education Code - Part 29)

(SB 1256 - Chapter 1530, Statutes of 1985)

Article 4.5. The Early Intervention for School Success Program

54685. The Legislature finds and declares that many public school pupils enrolled in prekindergarten, kindergarten, and grade one have developmental deficiencies.

- Legislative Findings and Declarations

CALIFORNIA - NASDSE SURVEY 1990

3. If students sometimes receive publicly-funded special education services beyond the State's maximum age for services, how often does this occur and under what circumstances? Is there local discretion in allowing students to stay beyond the maximum age?

N.A.

4. a. Can special education students in your State exit through receipt of a certificate of completion (distinct from a regular high school diploma, modified diploma, or IEP completion)?

1) yes ✓

2) no

If students may exit through receipt of a certificate of completion, please describe the requirements for receiving the certificate or include a description of the requirements.

Local boards establish minimum proficiency standards for diploma/graduation. LEAs have the option to develop differential standards for spec. ed. pupils. Some LEAs have adopted specific differential standards, while others use IEP team determinations. IEP teams may determine different means/modes if LEA board has approved different proficiency standards - An IEP team may not change course of study requirements for a diploma - This may lead to a certificate of completion.

b. Does the availability of a certificate of completion vary by district?

1) yes ✓

2) no

3) don't know

BEST COPY AVAILABLE

5. a. Can special education students in your State exit through completion of an IEP (distinct from a regular high school diploma, modified diploma, or certificate of completion)?

1) yes ✓

2) no _____

not very common

b. Does this vary by district?

1) yes X

2) no _____

3) don't know _____

6. a. Can special education students in your State exit through receipt of a modified high school diploma (distinct from a regular high school diploma, certificate of completion, or IEP completion)?

1) yes _____

2) no X

If special education students may exit through receipt of a modified diploma, please describe the modified graduation requirements or include a description of the requirements when you return your questionnaire.

Modifications may not be made to diplomas

b. Does the availability of a modified diploma vary by district?

1) yes _____

2) no X

3) don't know _____

GEORGIA

- Course credit - Carnegie units may be awarded for courses of study based on 150 clock hours of instruction provided by the school. (Quarter programs offer 50 clock hours of instruction for one-third Carnegie unit. Semester programs offer 75 clock hours of instruction for one-half unit of credit.)

- Credit in lieu of class enrollment - Local boards may adopt policies, subject to the approval of the state superintendent of schools, to grant credit for learning which has occurred outside the school (9-12 learning experience). Local systems must develop assessment procedures to award or exempt credits in lieu of class enrollment.

- Credit for planned off-campus experiences - Local boards may adopt policies, subject to the approval of the state superintendent of schools, to grant credit for planned off-campus experiences if such experiences are a part of the planned studies program.

SECONDARY SCHOOL CREDENTIALS

The High School Diploma shall be the official document certifying completion of attendance, Carnegie units, the Georgia High School Basic Skills Tests and other requirements for high school graduation. The High School Performance Certificate shall be awarded to pupils who do not complete all of the criteria for a diploma but who meet all requirements for attendance and Carnegie units. A Special Education Diploma shall be awarded to handicapped pupils assigned to a special program who have not passed the Basic Skills Tests but who have completed all of the requirements of their Individualized Education Program.

LOCAL AUTHORITIES AND RESPONSIBILITIES

Local boards of education have the authority to exceed the state minimum criteria for graduation.

Local boards of education have responsibility for establishing instructional support and delivery services to uphold the multiple criteria for high school graduation. These services include, but are not limited to the following.

- Providing an ongoing guidance component beginning with the ninth grade. The purposes of the guidance component are to familiarize students with graduation requirements, to help them identify the likely impact of individual career objectives on the program of work studies they plan to

BEST COPY AVAILABLE

3. If students sometimes receive publicly-funded special education services beyond the State's maximum age for services, how often does this occur and under what circumstances? Is there local discretion in allowing students to stay beyond the maximum age?

Local discretion to allow students to remain until their 22nd birthday. State funds cannot be used to serve students after their 22nd birthday.

4. a. Can special education students in your State exit through receipt of a certificate of completion (distinct from a regular high school diploma, modified diploma, or IEP completion)?

1) yes ✓

2) no

If students may exit through receipt of a certificate of completion, please describe the requirements for receiving the certificate or include a description of the requirements.

Completion of IEP Goals and Objectives.
Obtain required number of carnegie units.
Complete attendance requirements.
Failure to pass Basic Skills Test

See attachment I

b. Does the availability of a certificate of completion vary by district?

1) yes

2) no ✓

3) don't know

BEST COPY AVAILABLE

5. a. Can special education students in your State exit through completion of an IEP (distinct from a regular high school diploma, modified diploma, or certificate of completion)?

1) yes ✓

2) no _____

b. Does this vary by district?

1) yes _____

2) no ✓

3) don't know _____

6. a. Can special education students in your State exit through receipt of a modified high school diploma (distinct from a regular high school diploma, certificate of completion, or IEP completion)?

1) yes Special Education Diploma Completion of IEP ✓

2) no _____

If special education students may exit through receipt of a modified diploma, please describe the modified graduation requirements or include a description of the requirements when you return your questionnaire.

Completion of IEP requirements, special education diploma

b. Does the availability of a modified diploma vary by district?

1) yes _____

2) no ✓

3) don't know _____

e. The director has approved the IEP and a procedure for ongoing evaluation.

f. The preschool teacher serving the handicapped pupil is certified as a prekindergarten-kindergarten teacher by the department's division of teacher education and certification.

g. An appropriate special education representative from the AEA is assigned to each pupil to monitor the pupil's progress through regularly scheduled on-site visits.

12.17(8) *Extended year programs.* Special education shall be provided to pupils during extended year periods if it is required in order to provide an appropriate program. Extended year special education program content shall be included in the pupil's IEP. Decisions to provide extended year programs must be based upon the severity of the handicap and the presence of either of the following conditions:

a. Critical learning periods for a pupil when acquiring an essential skill.

b. A considerable nonmaintenance of acquired essential skills following an interruption in the program that necessitates substantial retraining to attain previous competence.

12.17(9) *Summer school.* Summer school is not an extended year program as described in 12.17(8). Summer school is programming not required for an appropriate program and is not defined in the IEP.

670—12.18(281) Delivery of special education.

12.18(1) *Basis of delivery of special education.* The special education provided shall be based on and responsive to assessment and diagnostic information and evaluation of the pupil's case history and present status.

12.18(2) *The IEP.* The special education needed by each handicapped pupil shall be specified in a written IEP.

a. The IEP for each handicapped pupil shall be developed prior to the provision of special education. The IEP shall be implemented within thirty calendar days following the determination that a pupil requires special education. For pupils requiring continued special education from one year to the next, the IEP shall be in effect at the beginning of the school year.

b. A meeting shall be conducted for the purpose of developing the IEP for each identified handicapped pupil. Participants in the meeting shall include: A representative of the agency, other than the pupil's teacher, who is qualified to provide or supervise the provision of special education; the pupil's teacher; a member of the diagnostic-educational team; a teacher or other specialist with knowledge in the identified disability area; one or both of the pupil's parents subject to rule 12.31(281); the pupil, if appropriate; and, other individuals as designated by the parents, school district or director.

c. After a pupil has been placed in a private school, meetings to review and revise the pupil's IEP may be conducted by the private school.

d. The IEP shall include the following:

(1) A statement of the pupil's present levels of educational performance in objective, measurable terms.

(2) A statement of annual goals describing the intended outcomes of the special education being provided.

(3) A statement of short term instructional objectives describing the intermediate steps between the pupil's present levels of performance and the established annual goals.

(4) A statement of the specific special education to be provided and the extent of the pupil's participation in the general education program.

(5) A statement describing the "specially designed" physical education program of the pupil when the pupil is not enrolled or participating in the general education physical education program.

(6) A statement of the projected dates for initiation and anticipated duration of the special education for the period covered by the IEP.

(7) A statement of the criteria and methods to be applied in determining progress toward the goals and objectives of the IEP, unless specified in the statement of annual goals and instructional objectives.

(8) A statement of the projected date of graduation at least eighteen months in advance of said date and the criteria to be used in judging whether graduation shall occur. Prior to

graduation, the IEP team must find that these criteria have been met.

e. A meeting shall be conducted at least annually for the purpose of reviewing and revising the IEP of each handicapped pupil. The participants in such meeting shall be the special education personnel serving the pupil; a representative of the agency, other than the pupil's teacher, who is qualified to provide or supervise the provision of special education; the pupil's parents subject to rule 12.31(281); the pupil, if appropriate; and, other individuals as designated by the parents, school district or director.

f. An IEP shall be developed for pupils receiving only special education support services. To be entitled to special education support services, the pupil must be identified as having a handicapping condition which handicaps the pupil in obtaining an education. The IEP shall satisfy the requirements of 12.18(2)*"a"* and 12.18(2)*"d"* and be prepared by the specialist providing the service; the pupil's parents, subject to rule 12.31(281); the pupil's teacher, when involvement of the teacher is required in implementing the IEP; and, others designated by the parents, school district or director. The special education support services specialist shall have primary responsibility for recommending the need for support services, the extent of services to be provided and the frequency of direct and indirect contacts with pupils requiring special education support services. When a pupil receives special education support services in conjunction with placement in a special education instructional program, there shall be one written IEP covering all special education.

670—12.19(281) Other responsibilities. Other responsibilities of special education personnel include:

12.19(1) *Parent conferences.* Participation in parent conferences.

12.19(2) *Pupil staffing.* Participation in pupil staffings.

12.19(3) *Consultation.* Consultation with medical, teaching and other professional personnel.

12.19(4) *Assessment and evaluation.* Assessment and evaluation of pupils referred after the initial screening process.

12.19(5) *Observation.* Classroom observation of pupils.

12.19(6) *Records and correspondence.* Recordkeeping and correspondence.

670—12.20(281) Records and reports.

12.20(1) *Information recorded and confidentiality maintained.* For each pupil, all screening, assessment and evaluation results shall be recorded promptly. Educational records shall be confidential and shall not be disclosed except pursuant to 34 C.F.R. §99 and §300, July 1, 1984.

12.20(2) *Reviewing records.* Each agency shall permit parents or eligible pupils to review only those education records related to their child or the eligible pupil. The agency shall comply with a request to review the records without unnecessary delay and before any IEP meeting or hearing and in no case more than forty-five days after the request has been made. Upon request, the agency shall provide the following to the parents or eligible pupil:

a. Explanations and interpretations of the records.

b. Copies of the records, if failure to provide them would effectively prevent review of the records. Reasonable fees for copies are allowed unless the fee would prevent the parent or eligible pupil from reviewing the records.

c. A list of the types and locations of education records collected or used.

d. A review of records and decisions within a reasonable time when the parent requests that records be amended because they are believed to be inaccurate, misleading or violating the privacy or other rights of the pupil.

e. An opportunity for an agency level administrative hearing to challenge information in the education records.

12.20(3) *Forms and procedures.* The AEA shall adopt such forms and procedures as are necessary to document the meeting of all applicable statutes and rules.

12.20(4) *Confidentiality of records.* Each agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages and

91-12-30. State institutions and state schools.

(a) Each state institution and state school shall provide special education services for all exceptional children housed and maintained therein. All state-operated educational programs shall comply with the requirements of article 12 of agency 91 of the Kansas administrative regulations.

(b) The procedures for placing Kansas residents into the Kansas state school for the visually handicapped and the Kansas state school for the deaf shall meet the following requirements:

(1) Admission procedures shall be initiated by the child's home school district and by the child's parent or parents.

(2) Placement of any child in a state school shall be made only after the local district and the child's parent or parents have considered local placement options.

(3) Placement shall be based on a comprehensive evaluation which indicates a need for educational services provided at the state school.

(4) If the original comprehensive evaluation and staffing are conducted by any local education agency and if one of the state schools is an alternative placement for the child, a representative or representatives from the state school shall be included in the staffing.

(5) Any local education agency may refer a child to a state school for a portion or all of the original comprehensive evaluation. In such a case, a representative or representatives from the local education agency shall be included in the staffing.

(6) Each child enrolled in a state school shall have access to the educational programs in the local school districts near the location of the school, either on a part-time or full-time basis.

(7) If differences of opinion occur as to eligibility for or placement of any child in a state school, procedural due process, as prescribed in K.S.A. 72-972 to K.S.A. 72-975, inclusive and any amendments to those statutes, shall be followed.

(8) Personnel from the child's home school district, as well as personnel from the state school and the child's parent or parents, shall be afforded an opportunity to participate in the individual education program conference. The feasibility of returning the child to the local public school shall be considered at the annual conference.

(c) If a student transfers from a state school or state institution to a school district, the most recent individualized education program, as well as any additional educationally relevant information concerning the child, shall be forwarded to the receiving school district.

(Authorized by K.S.A. 1984 Supp. 72-963; implementing K.S.A. 1984 Supp. 72-963 and K.S.A. 72-970; effective May 1, 1983; amended May 1, 1986.)

91-12-31. Local administration and supervision of special education.

Each local education agency with an enrollment of 5,000 pupils and programs for four or more categories of exceptional children shall employ a full time director of special education. The director of special education shall be the principal administrator of the special education services.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1988.)

91-12-32. Graduation recognition.

(a) Each exceptional child shall be eligible for graduation from high school upon completion of state board requirements as prescribed in S.B.R. 91-31-12h and shall receive the same graduation recognition and diploma as nonexceptional children.

(b) If a local education agency develops an alternative graduation requirements policy for special education programs, the requirements shall be included in the agency's local comprehensive plan. State approval of the alternative policies shall be given by approval of the local comprehensive plan.

(c) Each alternative graduation requirements policy shall include one unit of American history and at least one-half unit of American government, including the constitution of the United States as required by K.S.A. 72-1103. These units may be adapted to meet the needs of given exceptional children.

(d) The program required to meet approved alternative graduation requirements shall be specified in the student records on file for each exceptional child during the school year in which the child is enrolled in the ninth grade or its equivalent.

(e) Progress toward graduation shall be annually monitored and recorded on an official transcript of credits.

(f) This regulation shall take effect on July 1, 1990.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended May 1, 1988; amended July 1, 1990.)

91-12-33. Information activities.

Each local education agency, at least once each year, shall provide information to the public concerning the needs of exceptional children, the educational rights of these children, and the availability of special education services.

(Authorized by K.S.A. 72-7514; implementing K.S.A. 1982 Supp. 72-963 (L. 1982, Ch. 291), K.S.A. 72-965; effective May 1, 1983.)

91-12-34. Local comprehensive plan.

(a) Each local education agency shall develop and submit to the special education administration section a comprehensive plan for providing special education services. Each local comprehensive plan shall include, as appropriate, a statement of assurance or an explanation of the procedures used by the local education agency regarding:

(1) the provision of a free appropriate public education to exceptional children;

(2) the protection of confidentiality of student records;

(3) the implementation of systematic and ongoing screening procedures which locate children who may be exceptional;

(4) the conducting of comprehensive evaluations;

(5) the development of an individual education program for each student who is exceptional;

(6) provision of activities to increase public awareness of services available;

(7) the placement of each student in the least restrictive environment;

(8) provision of an appropriate review of each exceptional student's placement;

(9) the graduation of exceptional children;

(10) procedural due process for exceptional children;

(11) the development and use of a comprehensive system of personnel development;

(12) evaluation of the effectiveness of programs in meeting the educational needs of exceptional children;

(13) the suspension or expulsion of students who are handicapped; and

(14) the provision of extended school year services to students who are handicapped.

(b) A comprehensive plan shall be submitted as required by the special education administration section. This plan shall be updated annually with those portions of the plan which are unchanged incorporated by reference.

(c) Each local comprehensive plan shall be adopted formally by the governing board of each school district or by the governing authority of the state institution or other organization proposing to offer approved special education services.

(d) Each local education agency shall appoint a special education advisory committee which includes parents of exceptional children. Members of the committee shall be appointed by the local education agency with input from local parent organizations. The special education advisory committee shall act in an advisory capacity to the local education agency and shall facilitate communication and participation by parents, community representatives, and educators to plan for meeting the needs of exceptional children.

(e) The local advisory committee shall review and comment upon the local comprehensive plan adopted by the local education agency.

(f) This regulation shall take effect July 1, 1990.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended July 1, 1990.)

91-12-35. Least restrictive environment.

Each local education agency shall provide:

(a) Support services to enable each exceptional child to remain in a regular class placement or placements to the maximum extent possible;

(b) Sufficient placement options so that removal of the exceptional child from regular education placement presents the least necessary deviation from the educational experiences provided for non-exceptional children;

(c) For the participation of each exceptional child with nonexceptional children to the greatest extent possible in nonacademic and extracurricular services and activities;

(d) Special education and related services as close as possible to the child's home; and

Louisiana

Requirements for Awarding the State Certificate of Achievement (Alternative to Regular Placement)

3.027.04 Local school systems shall be authorized to issue a State Certificate of Achievement to exceptional students based upon their achieving certain competencies and meeting specified conditions.

A. The student has been properly evaluated and determined to be exceptional according to the criteria in Bulletin 1508.
B. The student has been enrolled in an Alternative to Regular Placement Program as documented by the Individualized Education Program (IEP).
C. The student has completed a minimum of 12 years of school or has reached the age of 22. (This is not to include students younger than 16 years of age.)
D. The student has met attendance requirements outlined in standards 3.055.00 through 3.055.22.
E. The student has addressed State separate minimum standards or a State-approved alternative curriculum which was reflected as short-term objectives and annual goals in the student's Individualized Education Program (IEP).
F. The student has successfully completed the alternative to Regular Placement as defined in the Parish Pupil Progression Plan and in accordance with the specified criteria; however, no criterion will be accepted that is less than 70 percent completion of the valid and appropriate annual goals listed in the Individualized Education Program (IEP) during the student's enrollment in the alternative to a regular placement program.
G. The program is provided by personnel certified in appropriate areas.

Reports of Certificate of Achievement Credit

3.027.05 The Annual Goals Transcript Form shall be submitted by the State-approved special school and approved by the Director of the Bureau of Secondary Education, State Department of Education, before a handicapped student may be issued a *State Certificate of Achievement.*

Other Reports

3.027.08 Any other records and reports applicable to special schools that may be required by the State Board of Elementary and Secondary Education (SBESE) or the State Department of Education shall be submitted.

23

24

BEST COPY AVAILABLE

Some examples of program modifications that may be made by regular and special education personnel working closely together are:

1. *Reading tests orally to special education student,*

2. *Special education teacher giving the test so that the student has more time to complete the test,*

3. *Giving test in the mode in which the student communicates best,*

4. *Special education teacher taping lessons for student,*

5. *Special education teacher reviewing and helping with homework assignments, and*

6. *Special education personnel adapting/modifying a particular lesson, instructional unit, test, and/or homework assignment (the adaptation or modification may be done using a task analysis approach).*

Although these kinds of modifications may need to be made, the student should be judged to be successful (graded) in that regular education class in the same manner as other regular education students.

II. *Graduation*

Students who are handicapped shall be issued diplomas or certificates as follows:

1. *For every student receiving special education services, there will be consideration, during the IEP Review/Revision session prior to the student's entry into ninth grade, as to this student's possibilities for achieving sufficient Carnegie units to earn a regular diploma.*

2. *The local school district will have a core curriculum for students who are seeking basic education and life skills development. This may be called the "life skills" curriculum and will include, along with appropriate academic instruction, vocational orientation and training and the development of social skills.*

3. *The IEP for the student who is to pursue the life skills curriculum will reflect this; even though academic instruction will continue each year in accordance with his/her instructional level and rate of achievement, this instruction will be aimed toward individual and vocational needs.*

4. *If the student is to pursue a regular diploma, the IEP will reflect this and special education services will be provided to assist the student in reaching this goal.*

BEST COPY AVAILABLE

5. *At intervals, but at least annually, the student's IEP will be reviewed and revised as his/her current achievement and needs dictate. The possibility for change from regular diploma to life skills curriculum or from life skills curriculum to regular diploma curriculum will remain open.*

6. *Every student who completes an approved course of study by or before age 21 will receive a diploma or certificate and will be permitted to participate in graduation exercises.*

7. *Every student receiving a diploma will have met requirements of the State Accreditation Commission and his/her local school district.*

NOTE: *The following is an excerpt from current Accrediation Standard VIII. E.*

Pupils who have completed satisfactorily the local school district secondary curriculum for special education may be awarded a high school certificate or diploma which states, "This student has successfully completed an Individualized Education Program." The student may be permitted to participate in graduation excercises.

mc

008.02E4 In the case of an emergency exclusion of a verified handicapped student, the IEP team shall convene within five (5) school days after the emergency exclusion has occurred. No emergency exclusion shall consist of more than five (5) school days unless the requirements of 92 NAC 51-008.02E and Neb. Rev. Stat. 79-4177 are met.

008.03 Transition from School to Work and Adult Living

008.03A School districts shall not terminate education programs for verified handicapped students prior to age 21 until all the following conditions have been met:

008.03A1 The school district has a written policy concerning completion of a verified handicapped student's program prior to age 21;

008.03A2 The school district's plan for program completion and transition has been communicated to the verified handicapped student and the student's parents prior to the planned completion date; and

008.03A3 The parents of the student have been informed of the procedures for appeals set forth in 92 NAC 55.

008.04 Termination from Special Education Programs

008.04A School districts shall provide for the potential transition to post-secondary services by informing the parent regarding applicable service providers [e.g., Regional Office of Mental Retardation, Rehabilitation Services for the Visually Impaired or the Department of Education Division of Rehabilitation Services (Neb. Rev. Stat. 79-3315)]. At parental request the applicable service agencies shall be notified by the school district of the program needs of those students who could benefit from these services.

SCHOOLS - 1988

A.4.3.1 c. (6) (e) Continued

2) Compare occupational/career requirements, traits, and characteristics to personal aptitudes, abilities, and preferences.

3) Demonstrate basic academic and technical knowledge and skills of the occupational/career area.

4) Demonstrate both job-seeking and job-keeping skills including the skills of completing a job application, applying for a job, and properly dressing for an interview.

d. One unit of credit shall be awarded to a student for satisfactory completion of local requirements and attainment of state and district competencies in each course designed for one unit of credit. Final examinations shall be administered to all students in all classes offered for credit. (Public School Code 22-2-8.4)

e. Credits shall be transferable with no loss of value between schools that are accredited by a state board of education.

f. Credits earned through correspondence or extension study may be accepted if such credits are from schools approved or accredited by the National Home Study Council, the state board of education of the state in which they are located, or by a college or university which is regionally accredited for such purposes.

g. The State Board of Education shall issue a high school diploma to New Mexico residents who meet state GED certification requirements defined in State Board of Education Regulation 80-12.

h. All students graduating from a public high school and receiving a high school diploma must take the High School Proficiency Examination. Students who successfully complete the requirements of the New Mexico High School Proficiency Examination shall receive an endorsement so stating on their diplomas. (For students who entered ninth grade prior to the 1986-87 school year.)

i. Beginning with students entering the ninth grade in the 1986-87 school year, no public student shall receive a high school diploma who has not passed a state competency examination (New Mexico High School Competency Examination) in the subject areas of reading, English, math, science, and social science. Other than as provided below, if a student exits from the school system at the end of grade twelve without having passed a state competency examination, he/she shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. (Public School Code 22-2-8.4)

A.4.3.1 Continued

j. With the approval of the local school board, the local superintendent may request written approval from the State Superintendent to award a diploma to a student who had not passed the competency examination. The district must document student attainment of required competencies through an alternative assessment procedure.

k. Special education student shall be considered by the Educational Appraisal and Review Committee for participation in the New Mexico High School Competency Examination (Educational Standard A.9.1.3.a). The Committee shall make recommendations regarding:

(1) Participation or exemption from participation in the examination.

(2) Modification in administration of the examination, provided such modification does not change the meaning of the test score. If modifications are recommended, prior approval of the State Superintendent is required.

l. A special education student's Educational Appraisal and Review Committee is responsible for recommending to the local superintendent the appropriateness of whether a student receives a high school diploma or a certificate of completion. Upon the recommendation of the local school board and upon approval of the State Superintendent of Public Instruction, a diploma may be awarded to a student in a special education program upon completion of a planned course of study based on individualized educational program objectives in lieu of required criteria for New Mexico high school diplomas.

BEST COPY AVAILABLE

NEW YORK

Part 100 of the Regulations of the Commissioner of Education

Part 100 of the Regulations of the Commissioner of Education, as revised in 1984, implemented the provisions of the Regents Action Plan. Several portions of these Regulations address the needs of students with handicapping conditions (Appendix B: 8NYCRR 100).

Section 100.2(d) requires instruction in a second language for students in grades K-9. It also requires the completion of a sequence of courses in a second language in order to receive a Regents high school diploma. All students with handicapping conditions must be assured access to second language programs. Students with handicapping conditions for whom this requirement may not be appropriate to their individual needs may be exempted from study in a second language through a recommendation by the CSE to the Board of Education.

Section 100.2(e) requires that schools must offer all students the opportunity to meet the requirements for receiving a Regents diploma. Students with handicapping conditions need to have well-planned courses of study developed as early as possible to assure equal access to diploma opportunities.

Section 100.2(g) allows students with handicapping conditions to use alternative testing techniques, as appropriate, on all state-mandated tests. This allows such students the opportunity to demonstrate skills and competencies without being limited by their handicapping conditions. The CSE has the responsibility to recommend the inclusion of these alternative methods of test taking to the parent and Board of Education as part of the Phase I IEP.

Section 100.2(j) states that each school district must provide guidance programs to all students, including students in special education, on an annual basis regarding postsecondary career plans, attendance problems, and/or academic and behavioral or adjustment problems.

Section 100.2(k) requires that schools must ensure nondiscriminatory practices in curricular and extracurricular activities. Students with handicapping conditions cannot be denied access to programs due to their disability.

Section 100.2(l) requires that school districts develop and implement a written policy on school conduct and discipline. Such policies must include procedures for determining when the conduct of a child with a handicapping condition necessitates referral to the CSE for consideration of the need to modify the student's IEP.

Section 100.2(s) states that students with handicapping conditions must be ensured access to the full range of programs and services appropriate to their needs. Also, in order to help assure full access, school districts must modify instructional techniques and materials. It is anticipated that a majority of students with handicapping conditions are able to accomplish the goals and objectives of the regular education curriculum if appropriate support is provided.

Section 100.6 allows for the awarding of local certificates to students with handicapping conditions who are unable to meet the requirements for a diploma, provided that the student has met the goals developed in the IEP and has attended school for thirteen years beyond the kindergarten level and that the district has adopted written policies and procedures ensuring that students with handicapping conditions are provided appropriate opportunities to earn a high school diploma. Each local certificate must be accompanied by a written statement of assurance that the student who received it continues to be eligible to attend school until he or she receives a high school diploma or until the end of the school year of his or her twenty first birthday.

Section 100.7 establishes requirements for high school equivalency diploma programs. Students with handicapping conditions are to be ensured access to examinations and programs designed to provide this alternative credential.

During the last three years there have been a number of additions to the Part 100 Regulations as a result of changes in State law. These additions are intended to increase the support services available to students within the regular education program, thereby retaining students in the regular education environment and reducing inappropriate referrals for special education programs and services.

Section 100.1(p) was added to provide speech and language improvement services to students in grades K-6. The students eligible for these services are those with impairments such as dysfluency, impaired articulation, language disorders, or voice disorders of a severity that does not adversely affect the student's educational performance.

Section 100.1(r) provides educationally related support services. These services are assessment and non-career counseling provided by a school social worker, school psychologist or school counselor to a student who is experiencing educational, behavioral, personality or social difficulties that are situational and are amenable to short-term intervention.

The purpose of both new sections is to prevent unnecessary referrals to the CSE for students who can remain in their regular education programs with the provision of additional regular education support. If the student requires more intensive services that go beyond what is defined above, a referral may be initiated to the CSE in order to determine if special education programs and services are necessary.

Another new section of the Part 100 Regulations, Section 100.1(q), declassification support services, provides support to a student or a student's teacher to assist in the student's move from special education to full-time regular education. These services include psychological, social work, speech and language services, counseling, or other appropriate support services. Support may be provided to the teacher in the form of services such as a teacher's aide or assistant or consultation with appropriate personnel. These services can be provided for up to one year following a student's declassification.

Section 100.9, added in 1986, makes available a high school IEP diploma to those students who, due to their handicapping conditions, cannot achieve a local or Regents high school diploma. This high school IEP diploma provides local districts the opportunity to appropriately recognize the accomplishments of these students. School districts must award the high school IEP diploma to students with handicapping conditions during the year in which their twenty-first birthday occurs who have completed the goals of their current IEP. The high school IEP diploma may be awarded, upon application of the student or his/her parents, before the age of twenty-one. In this case, the student must have completed at least twelve years of school beyond kindergarten and must have completed the goals in the current IEP. This document, however, does not signify the end of a student's eligibility for a free appropriate public education. Written notice must accompany each high school IEP diploma stating that the student remains eligible to attend school until the receipt of a local or Regents high school diploma or the end of the school year in which he or she attains the age of twenty-one.

Part 117 of the Regulations of the Commissioner of Education

Part 117 establishes standards for new entrant screening mandated through Chapter 53 of the Laws of 1980. Every new entrant to New York State schools must be screened to determine which pupils are possibly gifted or have a possible handicapping condition. Through the provisions of this Part, pupils who may have a handicapping condition must be referred to the Committee on Special Education no later than fifteen calendar days after completion of the diagnostic screening.

Part 116 of the Regulations of the Commissioner of Education

Part 116 of the Regulations of the Commissioner was added in 1978 and amended in 1984 to provide for consistency in education programs and services for children, including special education programs for children with handicapping conditions, in full-time residential care in homes or facilities operated or supervised by a State department or agency or political subdivision.

New York State Policy and Procedures

New York State policy and procedures governing the education of children with handicapping conditions are stated in Education Law (Appendix A), Regulations of the Commissioner of Education (Appendix B), and Statements of Administrative Policy and Procedure (Appendix C). The following paragraphs provide an overview of some of these policies and procedures.

- Committee on Special Education
- Developing Individualized Education Programs
- Due Process Procedures

BEST COPY AVAILABLE

NY

Placement/Individualized Education Program form requires written explanation for any changes in placement determined to be appropriate by the individualized education program/placement team, including placement in more restrictive settings.

F. Diplomas/Grading/Transcripts

It is recommended that *diplomas* issued to handicapped students be the same as those issued to nonhandicapped students. To do otherwise may leave the local school district open for a discrimination complaint.

This recommendation is based on the nondiscrimination clause in Section 504 of the 1973 Vocational-Rehabilitation Act and Oklahoma regulations. The intent is that handicapped students are entitled to receive the same considerations as nonhandicapped students. They should, therefore, not be excluded on the basis of their handicap from receiving any benefit for which they are otherwise qualified.

As long as handicapped students have successfully completed all requirements for graduation as outlined by their individualized education program teams or regular classes (following the Oklahoma State Board of Education guidelines for high school graduation), they cannot be denied graduation or given inferior diplomas.

There is one definite rule for *grading* students in all special education categories: There must not be any discrimination in the system of grading. That is, if all students in a school are graded by the A, B, C, etc., plan, special education students will also receive A, B, C, etc. In recording grades on a permanent record, such as a transcript, there must not be any reference to the student's placement in special education.

Public Law 94-142 is based on an "appropriate education." If this mandate is followed, fair grading should be no problem. Some suggestions:

1. Grades should never be given as motivation (A's) or punishment (F's).

2. A student should *earn* the grade. Too easy a program would result in too many A's and too difficult, D's or F's. A program should be planned on the level where the child is functioning but the teacher should always be alert to expand this level upward.

3. Students should not be placed in academic subject classes beyond their ability because of an inflexible school schedule.

Parents must understand grading in special classes. They need to be told where the student is functioning and what is being learned, rather than relying on report card "grades" to understand progress.

The teacher who has the student for a period should give the grade for that time. If the grade will go on one regular report card, the special teacher and regular teacher should confer. If the regular teacher objects to giving a "passing" grade to a student who is not in his/her class, both teachers could sign the report card. Since separate report cards are given on the secondary level, there should be no problem.

A student in special education can get a failing grade. He/she cannot fail because the academic level is too high (that is not an appropriate program) but failing grades may be given because of refusal to do work within capability and poor attendance. However, when failure does appear, consideration should be given to addressing the problem on the individualized education program with the idea of alleviating it.

4. Indirect Services

If handicapped children can best be served by placement in regular classes with an Individualized Education Program, there must be a certified special education person responsible for the child's education. This teacher must be certified in the category of the child's disability.) This person will not teach the child, but will be involved with teacher conferences, parent conferences, writing the Individualized Education Program and furnishing special materials as needed for the child's program. The special education teacher assigned full-time as an indirect service provider shall have a reasonable active case load of no more than 40 different students. *Less than full-time shall be prorated*; example: a teacher with two hours released time could serve 14 students (approximately 2/6 of 40) on a consultative basis. A full-time self-contained or lab teacher with a maximum class load cannot act as a consultant for mainstreamed students.

5. Private Schools

A local board of education may contract with a state board-accredited, nonprofit, nonsectarian, private school to provide specified special education services and instruction to eligible "exceptional children."

6. High School Special Education

a. Units required for graduation

Twenty (20) units are required for graduation. Fourteen of the 20 units required shall be earned in the 10th, 11th, and 12th grades. Six units may be earned in the 9th grade.

Local Individualized Education Program teams may, for individual students, use the following modified course names to allow *realistic programming* for handicapped youth:

(1) Communication Skills--4 units

(2) Social studies--2 units (This fulfills the requirement for American History--1 unit and Oklahoma History--½ unit and World History--½ unit.)

(3) Science--2 units (One unit must be a laboratory science.)

(4) Computation Skills--2 units

Ten units of the required 20 units shall be chosen from the following:

(1) Co-op Training (work experience or on-the-job training) (Maximum 3 units per school year)

(2) Vocational and Technical Education (Maximum 3 units per school year)

(3) Home Training

(4) Vocations

(5) Physical Education

(6) Arts and Crafts

(7) Music

(8) Industrial Arts courses

(9) Others as appropriate

Other Special Vocational Education

In addition to regular vocational-technical programs, Individualized Education Program teams may select from the special programs listed below. Such programs are available for freshmen, sophomores, juniors, and seniors. The students must be properly identified and have an individualized education program on file indicating enrollment in these programs. If vocational education is to be a part of the student's individualized education program, a representative of vocational education should be on the individualized education program team, and the instructor of the vocational program should have access to a copy of the individualized education program when the handicapped student enters the vocational program. The special programs are designed for students with special problems only, for freshmen, sophomores, juniors, and seniors.

Course	Year(s)	Semester(s)	Unit(s)
Building Maintenance Training	9, 10, 11 or 12	2	3
Introduction to Vocational Careers	9, 10, 11 or 12	2	3
Home, Business and Industrial Services	10, 11 or 12	2	3
Occupational Services	9, 10, 11 or 12	2	3

Students in the trade and industrial day-trade programs shall not receive compensation for work on live projects unless they have been formally assigned to a contractor, shop owner, etc., in their senior year (second semester) for on-the-job training. They must report to their trade and industrial class for theory. The trade and industrial day-trade teacher will regularly supervise assigned students on their jobs. These assignments will be coordinated by the teacher, the local administrator, and the state supervisor of trade and industrial education.

b. Transition

Transition is defined as a planned program to span the gap from high school to the world of work. Critical characteristics of an appropriate secondary program include (a) functional curriculum, (b) least restrictive environment, and (c) community-based service delivery.

Special education curriculum in a senior high school may include transition programming through the following methods:

(1) Self-contained and/or lab program following state guidelines. The program will be developed according to individual student's needs as to the amount of time "mainstreamed." This type of program may offer vocational-technical services for half of the day.

ok

OTHER SECTIONS OF THE LAW RELATING TO HANDICAPPED CHILDREN

ARTICLE V
SCHOOL DISTRICTS AND BOARDS OF EDUCATION

Section 84. Students of Legal Age--Completion of Twelfth Grade. Any person who is of legal age and a resident of Oklahoma over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board showing that during the time before he was twenty-one (21) years of age he was unable to attend school for a definite period or period of time because of *physical disability*, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, said pupil shall be counted in the average daily attendance of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district. **(70-5-132)**

> Attendance of person before he is 26 years old can be counted in daily attendance only for same number of school days he missed school because of *physical disability* or military service. August 3, 1962.

ARTICLE VIII
TRANSFER OF PUPILS

Section 161. Grounds for Transfer.

A. The county superintendent of schools shall grant an application for transfer of a child from the district in which he resides to another school district furnishing instruction in the grade he is entitled to pursue if such transfer has the approval of the boards of education of the sending and receiving districts. A student granted a transfer during the 1972-73 school year, or any school year thereafter, may continue to attend the school to which he transferred with approval of the receiving district only, and any brother or sister of such student may attend such school with approval of the receiving district only, provided that this provision shall not apply to emergency transfers or pupils transferred for the purpose of attending classes in *special education* or a graduating senior in counties having a population of four hundred fifty thousand (450,000) or above, previously legally enrolled in the school district to which he wishes to transfer, or to students with *catastrophic medical problems*. Provided, however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved. Provided, a child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides and the board of education of the high school district in whose transportation are the child resides determines that the best interests of the child will be best served by such transfer. No transfer shall be granted for any reason not hereinbefore specified. no child shall be transferred under the provisions of this article to a school district other than the one designated in the application for his transfer.

B. When a child. . . **(70-8-102)**

> Long continued acquiescence in pupil transfers can preclude District from denying legality of transfers. 553 P.2 d 150.

Ok

for eligibility in Texas Education Code, §21.501. A handicapped student who has not reached his or her 22nd birthday on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation.

(1) Graduation constitutes a release from services and is a change in placement. A student may be graduated in either of the following circumstances:

(A) When the student has completed requirements specified in the IEP, the recommendation for graduation has been made by the ARD committee, and the parent or student, as appropriate, has given informed consent to graduation. For students unable to graduate according to subparagraph (B) of this paragraph, services shall be resumed upon the request of the student or parent as appropriate until the student reaches the legal age at which services may be terminated.

(B) Upon the determination by the ARD committee that the student has satisfactorily completed the minimum academic credit requirements for graduation applicable to non-handicapped students.

(2) A school district may serve a person over the school age in accordance with the provisions of Texas Education Code, §21.040.

(h) The provisions of this subsection will take effect on September 1, 1989. A handicapped student's secondary program shall terminate either with graduation or when the student no longer meets the age requirement for eligibility in Texas Education Code, §21.501. A handicapped student who has not reached his or her 22nd birthday on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation.

(1) Graduation constitutes a release from services and is a change in placement. A student may be graduated according to the provisions specified in either paragraph (2), (3), or (6) of this subsection.

(2) A handicapped student may be graduated upon the student having satisfactorily completed the minimum academic credit requirements for graduation applicable to nonhandicapped students, including satisfactory performance on the exit level assessment instrument.

(3) A handicapped student may also be graduated upon the determination by the ARD committee that the student has completed requirements specified in the IEP which have resulted in one of the following:

(A) full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-

BEST COPY AVAILABLE

Texas

help skills to enable the student to maintain the employment without direct and on-going educational support of the local school district; or

(B) demonstrated mastery of specific employability skills and self-help skills which do not require direct on-going educational support of the local school district; or

(C) access to services which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by his academic program.

(4) When considering graduation under paragraph (3) of this subsection, the ARD committee shall, when appropriate, seek in writing and consider written recommendations from appropriate adult service agencies and the views of the parent and, when appropriate, the student.

(5) Employability and self-help skills referenced under paragraph (3) of this subsection are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

(6) A handicapped student may also be graduated upon the determination by the ARD committee that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

(7) A school district may serve a person over the school age in accordance with the provisions of the Texas Education Code, §21.040.

(8) For students who graduate according to paragraph (3) of this subsection, the ARD committee shall determine whether educational services will be resumed upon the request of the student or parent as appropriate so long as the student meets the age eligibility requirement.

(9) Handicapped students who are eligible to take the exit level assessment instrument but have not performed satisfactorily are eligible for remedial instruction in accordance with Texas Education Code, §21.557.

(10) For any student presently having a graduation plan who might be adversely affected by the provisions of this subsection, the parent or student as appropriate may request the school to waive the above graduation provisions. This waiver shall be available only for graduation plans developed prior to the 1988-89 school year and must be implemented prior to the 1991-92 school year.

DRAFT

TX

CLARIFICATION OF GRADUATION RULE
19 TAC 89.235(h)

Rule	Clarification
(h) The provisions of this subsection will take effect on September 1, 1989. A handicapped student's secondary program shall terminate either with graduation or when the student no longer meets the age requirement for eligibility in Texas Education Code §21.501. A handicapped student who has not reached his or her 22nd birthday on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation.	• The old graduation rule 19 TAC 89.235(g) is in effect until August 31, 1989. • The new rule 19 TAC 89.235(h) begins September 1, 1989, and, in particular, affects students entering ninth grade in 1988-89. • If a student's 22nd birthday is after September 1, the student can complete the academic year.
(1) Graduation constitutes a release from services and is a change in placement. A student may be graduated according to the provisions specified in either paragraph (2), (3), or (6) of this subsection.	• Because graduation is a change in placement, an admission, review, and dismissal (ARD) committee must make the decision. (See Questions and Answers #236.) • This subsection refers to those paragraphs that specify three ways for students in special education to graduate.
(2) A handicapped student may be graduated upon the student having satisfactorily completed the minimum academic credit requirements for graduation applicable to nonhandicapped students, including satisfactory performance on the exit level assessment instrument.	• Students must earn the required credits (with or without any modifications to course content or mastery level designated by the ARD committee) and pass all required parts of the TEAMS exit level test to graduate under this section. Modifications to the method of instruction, pacing, or materials are also acceptable. (See Questions and Answers #121.) • As provided in 19 TAC 101.3(d), allowable modifications of the exit level test include provision for interpreters, provisions for oral responses, and/or individual administration of the tests. • Any and all students who fail a required part/s of the exit test are eligible for remedial instruction.

37

BEST COPY AVAILABLE

A handicapped student may also be graduated upon the determination by the ARD committee that the student has completed requirements specified in the IEP which have resulted in one of the following:

DRAFT

The individual educational plan (IEP) must be developed by the ARD committee and the graduation decision is made by the ARD committee.

To graduate under this section, the student must complete the requirements specified in his or her IEP.

If the parent wishes to remove his or her child from school prior to age 22, the student cannot be graduated unless he/she has completed an IEP under one of the 3 options in this section.

Local school districts should start planning early in the student's school career and should work closely with parents and students to develop IEPs that reflect post-school expectations. Reported best practice is to start planning at least by age 12 for those students whose handicaps are expected to present obstacles to future work.

A student may not graduate under this provision prior to that date that would have been the "regular" graduation date (e.g. age 17 or 18).

BEST COPY AVAILABLE

(A) full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district; or

DRAFT

BEST COPY AVAILABLE

- The student demonstrates full-time employment by maintaining a full-time job after completing a vocational program.

OR

- The student demonstrates full-time employment by maintaining a full-time job through VAC program. (Rehabilitation standards for a full-time job is 30 hours per week.)

- If the student is in full-time vocational adjustment class (VAC), then VAC would provide a written statement to the ARD committee verifying that the student does not need ongoing support of VAC, or other school services. If a student has continuing need for a VAC or school support, that student may not graduate under (A).
- Factors to consider:
  - The student has had sufficient time on the job to experience all the expectations and requirements of the job so that both the ARD committee and the employer are assured that the student will be able to maintain the employment without the direct, ongoing support of the local school district.
  - The ARD committee considers statements by the employer and district support personnel concerning whether the student has met requirements of any training or probationary period required by the employer in determining whether the student is ready to graduate. District support may be provided during the training period.
- School personnel may coordinate job searches and job placement for students but are not responsible for finding every student a job.
  - If jobs are scarce in a community, making full-time employment impossible, the student may have to graduate under (B) or (C).
  - The school is not expected to look outside the local community to find the student a job.

(B) demonstrated mastery of specific employability skills and self-help skills which do not require direct ongoing educational support of the local school district; or

DRAFT

(C) access to services which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by his academic program.

- Ways to demonstrate mastery:
  - .. Successful completion of:
    - -regular vocational education program (with either or both pre-employment lab or coop)
    - -Coordinated Vocational-Academic Education (CVAE) (with wither or both pre-employment lab or coop)
    - -vocational education for the handicapped (VEH) (with pre-employment lab)
    - -individualized vocational education (IVE) with successful on-the-job training.
    - -having and maintaining a part-time job through VAC program.

    (These programs may take as long as the ARD committee determines is necessary.)
  - .. Successful completion of locally adopted or designed curriculum which teaches skills to obtain or retain employment.

- Access means the student or parent can reasonably document that the student has been or will be accepted into a specific post-secondary program.
- An example of services not in the legal responsibility of public education is a residential group home or other community living situation in combination with appropriate adult services (work, day activities, etc.).
- Some examples of employment services include competitive, supported, or sheltered employment.
- Some examples of educational services would include proprietary schools, junior colleges, or universities.
- Students graduate under this option if they have earned the minimum number of required academic credits and have gained entrance into post secondary education programs but have been exempted from one or all parts of the TEAMS exit level test.
- Districts are not responsible for assuring student access to post-secondary programs, but look to documentation of access to such programs brought forward by parents or students.

BEST COPY AVAILABLE

4) When considering graduation under paragraph (3) of this subsection, the ARD committee shall, when appropriate, seek in writing and consider written recommendations from appropriate adult service agencies and the views of the parent and, when appropriate, the student.

DRAFT

- It is always appropriate to seek the views of parents; in most instances, it will also be appropriate to seek the views of the student.
- If the ARD committee determines during any stage of graduation planning (i.e., 9th-12th grade) that a student will need time-limited assistance and/or ongoing support of any adult service agency, it is appropriate to seek recommendations from that service agency at that time. (See Q & A #237.) Such adult agencies include but are not limited to the Texas Rehabilitation Commission, Texas Department of Mental Health and Mental Retardation, Texas Commission for the Blind, Texas Commission for the Deaf. (See also Q & A #238.)
- It is not intended for only the ARD committee to determine whether or not students need access to adult services. For example, parents (or students) may request district assistance in making a referral or may decide to make their own referral. Students and their parents need to know how to access adult service providers should the need arise after the student is no longer age eligible for school services.
- The rule is not intended to limit the numbers of students who receive access to adult services.
- Not all students will require support from adult service providers. In particular, a student pursuing a academically-oriented high school program may not need such support. However, decisions must be made on an individual basis with input from parents and with ARD committee knowledge of adult services available.
- Input must be requested in writing and any written recommendations received as a result of the request must be considered and documented in the ARD committee minutes. Verbal comments and recommendations may also be considered but do not need to be documented in ARD committee minutes.

BEST COPY AVAILABLE

Employability and self-help skills referenced under paragraph (3) of this subsection are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

DRAFT

5) A handicapped student may also be graduated upon the determination by the ARD committee that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

- The district must have a well-balanced service delivery system in place that uses either the regular curriculum or a locally developed or adopted career/vocational curriculum. Examples from the regular curriculum include the traditional core subjects required for graduation and courses from Vocational Education (either regular, CVAE, VEH, IVE, or Career Investigation); Business Education (such as Career Investigation, Personal Business Management and Personal Finance); English Language Arts (such as Practical Writing); and Mathematics (such as Fundamentals of Mathematics and Mathematics of Consumer Economics). Examples of services from special education include support for students in the programs and courses listed above, the vocational adjustment class, and curriculum models that promote independence and adaptability such as Learning in Functional Environments (LIFE), Adult Performance Level (APL) objectives, and the Life Centered Career Education curriculum.
- There is a continuum of employability and self-help skills to be mastered.
  - Some students will obtain a job on their own through application, interview, etc., and retain the job without support.
  - At the other end of the continuum, some students will require a "place and train" service model in which the job is obtained for the student and the student receives on-the-job support.
- When a student is 22 and completes that scholastic year, the school is no longer responsible for the student's education.
- At that point in time, if students have completed their IEPs, they receive a diploma. If students have not completed their IEPs, they do not receive a diploma.

BEST COPY AVAILABLE

(7) A school district may serve a person over the school age in accordance with the provisions of Texas Education Code §21.040.

DRAFT

(8) For students who graduate according to paragraph (3) of this subsection, the ARD committee shall determine whether educational services will be resumed upon the request of the student or parent as appropriate so long as the student meets the age eligibility requirements.

- TEC §21.040: Permissive Attendance states: "The board of trustees of any school district may, upon such terms as it may deem just and proper, admit pupils either over or under the school age, either in or out of the district, but in admitting such pupils, the board shall see to it that the schools are not overcrowded to the neglect and injury of pupils within the scholastic age."
- Item (7) is included in these rules because, although the student with a handicap has a right to remain in or return to school (as determined by the ARD committee) through age 21, the district is not required to serve the student beyond age 22 except as they choose to in accordance with TEC 21.040.

- Students graduating under (2) & (6) do not have the option to return, unless the district chooses to serve students as per TEC 21.040.
- The ARD committee makes the decision for students graduating under (3) who request to return and who have not reached age 22, prior to September 1 of that year.
- If a student's employability or self-help skills have deteriorated due to his/her handicapping condition, the ARD committee may need to consider resumption of services.
- The ARD committee might not resume services in the following circumstances:
  - .. the student graduates under (3)(A) in one district and moves to a new district and requests only job placement services.
  - .. the student loses the job due to plant/business closing or relocating, or reduction in force due economic conditions.
  - .. the student voluntarily quits the job and wants more training.
- If the ARD committee determines that the student should return, the student may stay until the new IEP is completed. This may or may not be before the student reaches the age of 22.

BEST COPY AVAILABLE

DRAFT

5) Handicapped students who are eligible to take the exit level assessment instrument but have not performed satisfactorily are eligible for remedial instruction in accordance with T.E.C. §21.557

15) For any student presently having a graduation plan who might be adversely affected by the provisions of this subsection, the parent or student as appropriate may request the school to waive the above graduation provisions. This waiver shall be available only for graduation plans developed prior to the 1988-89 school year and must be implemented prior to the 1991-92 school year.

- A student graduates only once: students who graduate and return via the ARD committee for additional training will receive an updated transcript showing the additional coursework and/or training completed. A new diploma is not given to the student.

- Students who fail the TEAMS exit level assessment instrument, are entitled to remedial instruction before the ARD committee decides to exempt the student from TEAMS.
- TEC 21.557(b) states: "Each district shall provide remedial instruction to a student enrolled in the district who has taken the secondary exit level assessment instrument and has not performed satisfactorily on each section. The remedial instruction must satisfy standards adopted by the State Board of Education."

- The individual parent or student must request this waiver--the school may not make the determination without parent request or give "blanket" waivers.
- "Adversely affected" means that the student or parent documents the perceived negative effects of not being able to graduate as originally planned .
- The chart on the next page can help determine which students may be eligible for the waiver.

BEST COPY AVAILABLE

DRAFT

TX

Grade level	1988-89	1989-90	1990-91	1991-92
9th	Not Eligible	Not Eligible	Not Eligible	Not Eligible
10th	Eligible	Not Eligible	Not Eligible	Not Eligible
11th	Eligible	Eligible	Not Eligible	Not Eligible
12th	NA-graduate under 89.235(g)	Eligible	Eligible	Not Eligible
12+ (18-21 years)	--	Eligible	--	--
12+ (18-21 years)	--	--	Eligible	--
12+ (18-21 years)	--	--	--	Not Eligible

45a

BEST COPY AVAILABLE

NEWEST TX RULES - 5/91

"(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used to provide extended year programs under Subchapter N, Chapter 21, of this code.

"(c) In this section:

(1) "Extended year program" means services provided under Subchapter N, Chapter 21, of this code during the period in which school is recessed for the summer.

(2) "Full-time equivalent student" has the meaning assigned by Section 16.151 of this code.

"(d) This section expires September 1, 1991."

Rule

(a) Each local school district has the responsibility for providing educational and related services to students in the least restrictive environment.

(b) Students with handicaps shall have the opportunity to participate in educational programs and activities with students without handicaps.

(c) The school district curriculum shall enable each handicapped student to acquire knowledge and skills in the basic areas of learning commensurate with the student's needs and abilities. These skills may be attained in the general program of instruction or in a program of special education instruction, as determined by the admission, review, and dismissal committee.

(d) Students with handicaps shall have available an instructional day commensurate with that of students without handicaps. The admission, review, and dismissal committee shall determine the appropriate instructional setting and length of day for each student, and these shall be specified in the student's individual educational plan.

(e) The secondary program of a student in special education shall terminate either with graduation or when the student no longer meets the age requirement for eligibility in the Texas Education Code, §21.501. A student receiving special education services who has not reached his or her 22nd birthday on September 1 of a scholastic year shall be eligible for services through the end of that scholastic year or until graduation.

(1) Graduation constitutes a release from services and is a change in placement. A student may be graduated according to the provisions specified in either paragraph (2), (3), or (6) of this subsection.

(2) A student in special education may be graduated upon having satisfactorily completed the minimum academic credit requirements for graduation applicable to students in regular education, including satisfactory performance on the exit level assessment instrument.

BEST COPY AVAILABLE

(3) A student in special education may also be graduated upon the determination by the ARD committee that the student has completed requirements specified in the IEP which have resulted in one of the following:

(A) full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and on-going educational support of the local school district; or

(B) demonstrated mastery of specific employability skills and self-help skills which do not require direct on-going educational support of the local school district; or

(C) access to services which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program.

(4) When considering graduation under paragraph (3) of this subsection, the ARD committee shall, when appropriate, seek in writing and consider written recommendations from appropriate adult service agencies and the views of the parent and, when appropriate, the student.

(5) Employability and self-help skills referenced under paragraph (3) of this subsection are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

(6) A student in special education may also be graduated upon the determination by the ARD committee that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

(7) A school district may serve a person over the school age in accordance with the provisions of the Texas Education Code, §21.040.

(8) For students who graduate according to paragraph (3) of this subsection, the ARD committee shall determine whether educational services will be resumed upon the request of the student or parent as appropriate so long as the student meets the age eligibility requirement.

(9) Students with handicaps who are eligible to take the exit level assessment instrument but have not performed satisfactorily are eligible for remedial instruction in accordance with the Texas Education Code, §21.557.

(f) Extended year services (EYS) are defined as individualized instructional programs beyond the regular school year for students who are enrolled in a school district's special education program.

(6) The LEA shall give the parent, and custodial agency, a copy of the IEP.

f) Content of the Individualized Education Program IIa. 300.346

The IEP for each child must include:

(1) A statement of the child's present level of educational performance;

(2) A statement of annual goals, including short-term instructional objectives;

(3) A statement of the specific special education and related services to be provided for the child, and the extent to which the child will be able to participate in regular educational programs;

(4) The projected dates for initiation of services and the anticipated duration of the services; and

(5) Appropriate objective criteria and evaluation procedures and schedules for determining, at least annually, whether the short-term instructional objectives are being achieved.

(6) In the event that a handicapped child does not wish to take the Minimum Competency Tests (MCT), the school division shall document that the implication of not taking the test have been explained to the parent(s) and the child, and that a waiver has been signed by the parent(s), and child when appropriate, requesting that the child not participate in the testing program. The school

division shall note on the IEP that the MCT has been presented and objected to, or accepted, at the appropriate time.

Under certain conditions the reading test must be administered orally, including the use of audio cassettes, to children who cannot read the tests because of a visual or perceptual impairment. The following conditions must be met:

(a) The decision to administer the tests orally shall be preceded by counseling with the child and parent(s).

(b) The child shall first have attempted to pass the test in his/her primary reading medium using the regular print, large print, or Braille edition. If necessary, the child shall be granted additional time to take the test without being penalized.

(c) A copy of the child's IEP shall be submitted to the Department of Education by the local school division. The IEP will be reviewed and the request for oral adminisration will be approved or denied.

(d) If the test is administered orally, then the child's permanent record and any other school documents which contain the competency test scores shall clearly state that the reading test was a measure of the child's ability to process information read to him/her and not a measure of ability to decode printed symbols.

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement (OERI)
Educational Resources Information Center (ERIC)

NOTICE

REPRODUCTION BASIS

☐ This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.

☑ This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").